

**CITY OF ABSECON**

**ORDINANCE 01-2021**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,  
CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XXIII - SIGNS**

**WHEREAS**, the State of New Jersey, by enacting the *Municipal Land Use Law* (N.J.S.A. 40:55d-1 et seq.), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62); and

**WHEREAS**, section 62 of the *Municipal Land Use Law* requires that a municipal zoning ordinance and zone plan be drawn "with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land" within the municipality; and

**WHEREAS**, the City of Absecon ("City") first adopted a comprehensive zone plan and zoning map in or about 1978; and

**WHEREAS**, on November 28, 1989, the City adopted Ordinance No. 11-1989, thereby adopting an amended Zoning Map for the City; which Zoning Map has been further amended from time-to-time; and

**WHEREAS**, on June 10, 1993, the City adopted Ordinance No. 3-1993, thereby enacting Chapter 224 (Land Use and Development) as part of the City Code for the City of Absecon ("Chapter 224"); and

**WHEREAS**, Chapter 224, which has been amended from time-to-time, remains the current body of development regulations for the City; and

**WHEREAS**, there is a desire to update the signage ordinance in response to advancement in technology increasing competition of regional discount stores and global on-line sales of services and merchandise; and

**WHEREAS**, there is ten (10) zoning districts that are not listed in Chapter 224, Article XXII, Signs, Permitted Signs Schedule A, Sign Areas Schedule B, Number and Dimensions Schedule C; and

**WHEREAS**, there is a desire to encourage economic growth in the City of Absecon by allowing advertising signs, roof signs and animated digital signs for commercial properties in all business districts including wayfinding signage in public right-of-ways.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Absecon, County of Atlantic and State of New Jersey that Chapter 224, Article XXIII, be amended to read as follows:

## **SECTION 1.**

Article XXIII, Signs, Chapter 224 of the Absecon City Code (Land Use and Development) is herewith modified to include:

Schedule A 1, Permitted Signs by Sign Type and Zoning District by Structural Type;

Schedule A 2, Permitted Signs by Sign Type and Zoning District by Functional Type;

Schedule B, Maximum Total Sign Area Per Lot by Zoning District;

Schedule C, Part 1, Residential Districts, R1, R2, R3, CR-Conservation/PK-Parkland;

Schedule C, Part 2, Central and Community Business Districts, Train Station Area Overlay District;

Schedule C, Part 3, Highway Commercial, Highway Development, Design Commercial and Marine Commercial Districts;

Schedule C, Part 4, Industrial and Planned Industrial Area Districts;

Schedule C, Part 5, Church, Institutional and Schools/Public Building Districts;

Schedule C, Part 6, Multi-Unit Residential, R4-High-Density Residential District, R-I-Residential Intensive District, PSCC-Planned Senior Citizen Community, SCHCO-Senior Citizen Housing Community Overlay District, ARHO-Age-Restricted Housing Overlay District, IVD-Inclusionary Village Development, MURD-Multi-Unit Rental Development, SNHD-Special Needs Housing Development District.

**§224-162. Definitions**, is hereby amended to include the following:

“Advertising Sign” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

“Animated Digital Sign” means illuminated signs whose motion or visual impression of motion is activated primarily by electrical means; a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) varies with the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programming cycle.

“Roof Sign” means a sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support and which projects more than six inches above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

“Portable Sandwich Sign” means a sign that is not permanently affixed to a building, a structure, or the ground.

“Wayfinding Sign” means signs, landmarks, or other visual graphic communication that are part of a government sponsored and coordinated program (or private sponsored and coordinated program with government authorization) for the purpose of directing pedestrian and vehicular traffic to local destinations. Typical wayfinding signs include: gateways, vehicular directional, destination, parking lot identification, pedestrian directional, and vehicular directional.

**§224-169, Signs in the Public Right-of-Way**, is hereby amended to include the following:

C. Permitted Signs.

(1) Wayfinding Signs – which are, landmarks or other visual graphic communication that are part of a government sponsored and coordinated program (or private sponsored and coordinated program with government authorization) for the purpose of directing pedestrian and vehicular traffic to local destinations. Typical wayfinding signs include: gateways, vehicular directional, destination, parking lot identification, pedestrian directional, and vehicular directional. No person shall erect or allow a wayfinding sign that encroaches into the municipal public right-of-way area without having received a license from the City. Such license shall require the owner/business establishment to provide a policy of insurance naming the city as an additional insured for an amount to be determined by City Council. The license agreement shall also include the responsibility that the owner/business establishment must install and maintain the signage at their sole expense. In the event the sign is not properly maintained and is found to be unsightly and/or unsafe, City Public Works shall have authority to remove such unsightly and/or unsafe signage.

(2) **Portable Sandwich Signs.** Portable sandwich signs are permitted in the front of business establishment on private property and in the public pedestrian right-of-way (sidewalk) area subject to the following specifications:

- i. Maximum sign width over public sidewalk-two feet six inches.
- ii. Signs shall be placed in such a manner as to not block pedestrian access in the public pedestrian right-of-way. The Zoning Officer shall have the authority to remove signs from the public pedestrian right-of-way, if the official determines that it is blocking public access and may be a hazard to the public.
- iii. Maximum height of a sign: four feet above the sidewalk surface.
- iv. Maximum sign area: nine square feet.

- v. Sign area (each side) is in addition to the permitted maximum sign area.
- vi. Signs must be made of durable weatherproof material.
- vii. Signs cannot be placed within 50 feet of another adjoining sandwich sign in the public pedestrian right-of-way.
- viii. Only one sign shall be placed in front of each commercial establishment in which it advertises.
- ix. Owner/business establishment must remove the sign at the closing of the establishment each day. No person shall erect or allow a projecting sign or sandwich sign that encroaches into the public pedestrian right-of-way area without having received a license from the City. Such license shall require the business establishment to provide a policy of insurance naming the City as an additional insured for an amount to be determined by the City Council. A license is not required in the event the sign is located on private property.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and


**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

This ordinance shall take effect upon final adoption and publication as required by law.

**Dated: February 4<sup>th</sup>, 2021**

**SIGNED:**   
Kimberly Horton, Mayor

**ATTEST:**   
Carie A. Crone, RMC Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on January 21, 2021. Laid over and advertised for public hearing and final adoption on February 4, 2021. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on February 4<sup>th</sup>, 2021.